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11 *Attorneys for Plaintiff, The Bank of New York Mellon Trust Company, National Association fka*
12 *The Bank of New York Trust Company, N.A. as successor to JPMorgan Chase Bank, as Trustee*
13 *for Residential Asset Securities Corporation, Home Equity Mortgage Asset-Backed Pass*
14 *Through Certificates Series 2004-KS5*

15 **UNITED STATES DISTRICT COURT**
16 **DISTRICT OF NEVADA**

17 THE BANK OF NEW YORK MELLON
18 TRUST COMPANY, NATIONAL
19 ASSOCIATION f/k/a THE BANK OF NEW
20 YORK TRUST COMPANY, N.A. AS
21 SUCCESSOR TO JP MORGAN CHASE
22 BANK, AS TRUSTEE FOR RESIDENTIAL
23 ASSET SECURITIES CORPORATION,
24 HOME EQUITY MORTGAGE ASSET-
25 BACKED PASS THROUGH CERTIFICATES
26 SERIES 2004-KS5,

27 Plaintiff,

28 vs.

29 AIRMOTIVE INVESTMENTS, LLC.;
30 PECKHAM LANE TOWNHOUSE
31 ASSOCIATION INC.; E.ALAN TIRAS, ESQ.,
32 solely in his capacity as trustee for PECKHAM
33 LANE TOWNHOUSE ASSOCIATION INC.

34 Defendants.

Case No.: 3:17-cv-00059-MMD-WGC

**STIPULATION AND ORDER TO
EXTEND DISCOVERY DEADLINES**

[THIRD REQUEST]

35 Plaintiff, The Bank of New York Mellon Trust Company, National Association fka The
36 Bank of New York Trust Company, N.A. as successor to JPMorgan Chase Bank, as Trustee for
37 Residential Asset Securities Corporation, Home Equity Mortgage Asset-Backed Pass Through

Certificates Series 2004-KS5 (“Plaintiff”), Defendant, Airmotive Investments, LLC (“Airmotive”), and Defendant, Peckham Lane Townhouse Association Inc. (“HOA”) (collectively, the “Parties”), by and through their respective counsels of record, hereby submit the following Stipulation and Order to extend the discovery deadlines for thirty (30) days.

A. DISCOVERY COMPLETED TO DATE:

Plaintiff has served its Initial Disclosure of Witnesses and Documents, disclosed its expert witness, propounded written discovery upon Airmotive and HOA, subpoenaed the records of HOA and E. Alan Tiras, Esq. (“HOA Trustee”), and deposed Airmotive. In addition, Plaintiff has noticed the depositions of HOA and HOA Trustee. Airmotive and HOA have both served their Initial Disclosure of Witnesses and Documents and responded to Plaintiff’s written discovery.

B. DISCOVERY ANTICIPATED TO BE COMPLETED IN THE FUTURE:

Plaintiff has scheduled the depositions of HOA and HOA Trustee for September 6, 2018, and September 13, 2018, respectively. Plaintiff also expects to disclose additional documents.

C. REASONS WHY DISCOVERY SHOULD BE EXTENDED:

Regarding the requested extension of discovery, good cause exists to extend the discovery deadline 30 days. Good cause to extend the discovery cutoff exists "if it cannot reasonably be met despite the diligence of the party seeking the extension." *See Johnson v. Mammoth Recreations, Inc.*, 975 F.2d 604, 608-09 (9th Cir. 1992). Here, Plaintiff noticed the depositions of HOA and HOA Trustee within the discovery period, however, the Parties are currently exploring settlement and may resolve the matter shortly, and Plaintiff seeks additional time to conduct the depositions to avoid expenses for all sides if the Parties can settle. This is the Parties’ third request for an extension of discovery, and it is not intended to cause any delay or prejudice to any party.

D. PROPOSED DISCOVERY EXTENSION:

1. The current discovery deadlines

Deadline to complete discovery:	September 12, 2018
Motion to amend pleadings or add parties	June 14, 2018

1	Initial Expert Disclosures	July 13, 2018
2	Rebuttal Expert Disclosures	August 13, 2018
3	Dispositive Motion Deadline	October 12, 2018
4	2. <u>Proposed extended discovery deadlines:</u>	
5	Deadline to complete discovery:	October 12, 2018
6	Motion to amend pleadings or add parties	June 14, 2018 (unchanged)
7	Initial Expert Disclosures	July 13, 2018 (unchanged)
8	Rebuttal Expert Disclosures	August 13, 2018 (unchanged)
9	Dispositive Motion Deadline	November 13, 2018
10	IT IS SO STIPULATED.	

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12 Dated this 4th day of September, 2018.

13 WRIGHT, FINLAY & ZAK, LLP

14
15 /s/ Krista J. Nielson

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22 *Attorneys for Plaintiff, The Bank of New York*
23 *Mellon Trust Company, National Association*
fka The Bank of New York Trust Company,
N.A. as successor to JPMorgan Chase Bank,
as Trustee for Residential Asset Securities
Corporation, Home Equity Mortgage Asset-
Backed Pass Through Certificates Series 2004-
KS5

Dated this 4th day of September, 2018.

ROGER P. CROTEAU & ASSOCIATES,
LTD.

/s/ Timothy E. Rhoda

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Airmotive Investments, LLC

1 DATED this 4th day of September, 2018.

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10 *Attorneys for Defendant, Peckham Lane*

11 *Townhouse Association, Inc.*

12 IT IS SO ORDERED:

13 Walter G. Cobb

14 UNITED STATES MAGISTRATE JUDGE

15 DATED: September 5, 2018